

28793
SEC

SERVICE DATE - JANUARY 20, 1998

SURFACE TRANSPORTATION BOARD

DECISION¹

No. 41497

INTERNATIONAL ENVIRONMENTAL CORPORATION
--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF TRANSCON LINES

No. 41498

CLIMATE MASTER--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF TRANSCON LINES

No. 41499

HART INDUSTRIAL--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF TRANSCON LINES

No. 41555

ARNESON PRODUCTS, INC., ATCO RUBBER PRODUCTS, INC., BRAINERD
MANUFACTURING COMPANY, INC., DISCOVERY PLASTICS, INC., DOMINION
ELECTRIC SUPPLY, INTER-CITY PRODUCTS CORPORATION (USA) fka HEIL-QUAKER
CORPORATION, JET EQUIPMENT & TOOLS, INC., KEYSTONE AUTOMOTIVE
INDUSTRIES, INC., AND LITTLE GIANT PUMP COMPANY
--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF TRANSCON LINES

No. 41560

UNION PACIFIC RAILROAD COMPANY
--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF TRANSCON LINES

No. 41595

¹ These proceedings are not consolidated. A single decision is being issued for administrative convenience.

No. 41497, *et al.*

KRAFT GENERAL FOODS GROUP, METRO INDUSTRIES, INC., MOLDAN CORP.,
NATIONAL BEAUTY, INC., JAMES RIVER PAPER COMPANY fka PACIFIC
PAPERBOARD PRODUCTS, STONE HEAVY VEHICLE SPECIALISTS, INC., AND WORD,
INC.

--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF TRANSCON LINES

No. 41596

AMERICAN DESK MANUFACTURING COMPANY, ANEMOSTAT PRODUCTS DIVISION
OF DYNAMICS CORPORATION OF AMERICA, BELOIT CORPORATION, BOB BARKER
COMPANY, CHERNE INDUSTRIES INCORPORATED, GREENWALD INDUSTRIES, INC.,
HANDI-KUP, A DIVISION OF JAMES RIVER CORPORATION OF VIRGINIA, AND
INDUSTRIAL FABRICS CORPORATION

--PETITION FOR DECLARATORY ORDER--
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No. 41597

IRON MOUNTAIN FORGE CORP., MAPLE CHASE CO., PEYTON'S
SOUTHWESTERN, A DIVISION OF THE KROGER COMPANY, R. J. REYNOLDS
TOBACCO COMPANY, AND WICKES FURNITURE CO.

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THOMAS & BETTS HOLDINGS, INC. FKA FL INDUSTRIES, INC.

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No. 41599

RALSTON PURINA COMPANY
--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF TRANSCON LINES

No. 41600

No. 41497, *et al.*

CURTICE BURNS FOODS, INC.,² SMITH & NEPHEW DONJOY, INC.,
SANYO FISHER USA CORP. AND SANYO MANUFACTURING CORP.,
SMITH AND NEPHEW ROLYAN, INC., WELLA CORPORATION, AND
WOLVERINE TUBE, INC.

--PETITION FOR DECLARATORY ORDER--
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No. 41629

MINE SAFETY APPLIANCES COMPANY, O'SULLIVAN CORPORATION,
AND WHITE CONSOLIDATED INDUSTRIES, INC.

--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF TRANSCON LINES

No. 41659

TOBACCO EXPORTERS INTERNATIONAL (USA) LIMITED

--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF TRANSCON LINES

No. 41672

TANDY CORPORATION

--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF TRANSCON LINES

Decided January 14, 1998

These proceedings arise out of the efforts of Transcon Lines (respondent) to collect undercharges for certain transportation services performed on behalf of the above named petitioners (petitioners). These matters are before the Board on referral from the United States Bankruptcy Court, for the Central District of California. The Board established procedural schedules in these proceedings. Petitioners and respondent filed their opening statements, replies, and rebuttal.

On December 5, 1997, the referring court, Judge Naugle, entered an order that grants respondent's Trustee's Motion to Abandon Freight Undercharge Claims and Freight Undercharge Judgements. The Trustee's motion, which was filed with the court on November 12, 1997, sought

² On January 29, 1996, Comstock Michigan Fruit Division of Curtice Burns Foods, requested that the Board change "Comstock Michigan Fruit Division of Curtice Burns Foods" to "Curtice Burns Foods, Inc." Since the referring court approved the name change on December 6, 1995, the name change request of petitioner is granted.

permission to abandon (1) all remaining freight undercharges claims which were still pending in the bankruptcy court and any other court; and (2) certain judgements for damages arising from freight undercharge claims.

In each of these cases, petitioners sought a ruling from us that respondent may not collect the undercharges it seeks. Because respondent's Trustee has indicated his intention to abandon all such undercharge claims, including these cases, and the court has authorized him to do so, we see no reason to continue these cases. The parties are directed to show cause why these proceedings should not be dismissed.

It is ordered:

1. The parties are directed to show cause why these proceedings should not be dismissed by February 9, 1998.
2. Should any party file a response by February 9, 1998, replies to that filing will be due on February 19, 1998.
3. This decision is effective on its service date.
4. A copy of this decision will be mailed to:

The Honorable David N. Naugle
United States Bankruptcy Court for the Central District of California
200 Federal Building
699 North Arrowhead Avenue
San Bernardino, CA 92401

Re: Case No. SB 93-22207 DN, Chapter 7, Adv. No. SB 93-2851 DN, Adv. No. SB 93-2735 DN, Adv. No. SB 93-1234 DN, Adv. No. SB 93-02607 DN; Adv. No. SB 94-02213 DN; Adv. No. SB 94-01593 DN; Adv. No. SB 94-02218 DN; Adv. No. SB 94-02027 DN; Adv. No. SB 94-01518 DN; Adv. No. SB 94-01181 DN; Adv. No. SB 93-02340 DN; Adv. No. SB 94-01094 DN; Adv. No. SB 93-01692 DN; Adv. No. SB 93-02460 DN; Adv. No. SB 94-01572 DN; Adv. No. SB 93-02429 DN; Adv. No. SB-94-01376 DN; Adv. No. SB-93-02225 DN; Adv. No. SB-93-02241 DN; Adv. No. SB-94-01480 DN; Adv. No. SB-93-02345 DN; Adv. No. 94-01503-DN; Adv. No. SB-94-01505-DN; Adv. No. SB-93-02304-DN; Adv. No. SB 93-02500 DN; Adv. No. SB 93-02171 DN; Adv. No. SB 93-02504 DN; Adv. No. SB 93-02199 DN; Adv. No. SB 93-02511 DN; Adv. No. SB 93-02281 DN; Adv. No. SB 93-02401 DN; Adv. No. SB 94-01062 DN; Adv. No. SB 93-02264 DN; Adv. No. SB 94-01959 DN; Adv. No. SB 93-02364 DN; Adv. No. SB 94-01182 DN; Adv. No. SB 94-02065 DN; Adv. No. SB 94-01249 DN; Adv. No. SB

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94-01841 DN; Adv No. SB 94-01929 DN; Adv. No. 94-1606 DN; and Adv. No. SB 94-2339 DN.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

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By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary